

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In re REFCO, INC. SECURITIES LITIGATION :

07 MDL No. 1902 (GEL)

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MARC S. KIRSCHNER, AS TRUSTEE OF
THE REFCO LITIGATION TRUST,

Plaintiff,

- against -

GRANT THORNTON LLP, MAYER BROWN, :
ROWE & MAW, LLP, ERNST & YOUNG U.S. :
LLP, PRICEWATERHOUSECOOPERS LLP, :
CREDIT SUISSE SECURITIES (USA) LLC :
(F/K/A CREDIT SUISSE FIRST BOSTON :
LLC), BANC OF AMERICA SECURITIES :
LLC, DEUTSCHE BANK SECURITIES INC., :
PHILIP R. BENNETT, SANTO C. MAGGIO, :
ROBERT C. TROSTEN, TONE N. GRANT, :
REFCO GROUP HOLDINGS, INC., LIBERTY :
CORNER CAPITAL STRATEGIES, LLC, :
WILLIAM T. PIGOTT, EMF FINANCIAL :
PRODUCTS, LLC, EMF CORE FUND, LTD., :
DELTA FLYER FUND, LLC, ERIC M. :
FLANAGAN, INGRAM MICRO, INC., CIM :
VENTURES, INC., BECKENHAM TRADING :
CO., INC., ANDREW KRIEGER, COAST :
ASSET MANAGEMENT, LLC (F/K/A COAST :
ASSET MANAGEMENT LP), CS LAND :
MANAGEMENT, LLC, AND CHRISTOPHER :
PETITT,

Defendants.

07 Civ. 11604 (GEL)

**NOTICE OF MOTION TO DISMISS
COUNT THIRTY-SEVEN OF THE
COMPLAINT AS AGAINST
INGRAM MICRO INC. AND
CIM VENTURES INC.**

ORAL ARGUMENT REQUESTED

ELECTRONICALLY FILED

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PLEASE TAKE NOTICE that defendants Ingram Micro Inc. and CIM Ventures Inc. will
move this Court for an order pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil

Procedure dismissing with prejudice count thirty seven of the Complaint as against them. The grounds for this motion are set forth in the defendants' accompanying memorandum of law.

PLEASE TAKE FURTHER NOTICE that defendants Ingram Micro Inc. and CIM Ventures Inc. respectfully request oral argument on the present motion.

Dated: New York, New York
May 21, 2008

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By: s/Robert F. Wise, Jr.
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*Attorneys for Defendants Ingram Micro Inc.
and CIM Ventures Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2008, I caused true and accurate copies of: (i) the foregoing Notice of Motion to Dismiss Count Thirty-Seven of the Complaint as Against Ingram Micro Inc. and CIM Ventures Inc., (ii) the accompanying Memorandum of Law by defendants Ingram Micro Inc. and CIM Ventures Inc. in support of their motion, and (iii) the Declaration of Robert F. Wise, Jr., dated May 21, 2008, in support of the motion to be served upon counsel of record by the Court's CM/ECF system or by overnight courier at the addresses set forth on the attached service list where ECF service was not available.

Dated: New York, New York
May 21, 2008

s/ Ian R. Rooney

Ian R. Rooney

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